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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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IN RE: *Social Media Adolescent Addiction/Personal Injury Products Liability Litigation* This document relates to: ALL ACTIONS	MDL No. 3047 Case No. 4:22-md-03047-YGR Honorable Yvonne Gonzalez Rogers Honorable Peter H. Kang **STIPULATION AND [PROPOSED] ORDER GOVERNING THE PRODUCTION OF ELECTRONICALLY STORED INFORMATION AND HARD COPY DOCUMENTS**

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1.   PURPOSE

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This Order Governing the Production of Electronically Stored Information and Hard Copy

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Documents ("ESI Order") will govern discovery of electronically stored information and any hard

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copy documents in this Litigation as a supplement to the Federal Rules of Civil Procedure, this

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District's Guidelines for the Discovery of Electronically Stored Information, and any other

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applicable orders and rules. "This Litigation" includes all actions currently in MDL No. 3047, *In*

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Re: Social Media Adolescent Addiction/Personal Injury Products Liability, or hereafter added or

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transferred to MDL No. 3047, and all actions later remanded to their respective transferor courts.

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2.   DEFINITIONS

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a) "Document" is defined to be synonymous in meaning and equal in scope to the usage

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of this term in Rules 26 and 34 of the Federal Rules of Civil Procedure and shall

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include Hard-Copy Documents and ESI.

b) "Electronically stored information" or "ESI," as used herein has the same meaning as in Federal Rules of Civil Procedure 26 and 34.

c) "Hard-Copy Document" means Documents existing in paper form at the time of collection.

d) "Searchable Text" means the native text extracted from an Electronic Document and any Optical Character Recognition text ("OCR text") generated from a Hard-Copy Document or electronic image.

3. COOPERATION

The Parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout this Litigation consistent with this Court's Guidelines for the Discovery of ESI and this Court's Rules of Professional Conduct. The Parties will endeavor to cooperate in good faith and be reasonably transparent in all aspects of the discovery process.

4. LIAISON

The Parties will identify Discovery Liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Any Party is free to change their designated Discovery Liaison by providing written notice to the other Parties. Each Party's Discovery Liaison must: (a) be prepared to meet and confer on discovery-related matters and to participate in discovery dispute resolution; (b) be knowledgeable about the Party's discovery efforts; (c) be, or have reasonable access to those who are, familiar with the Party's electronic systems and capabilities in order to explain those systems and answer relevant questions; and (d) be, or have reasonable access to those who are knowledgeable about the technical aspects of discovery, including electronic document storage, organization, and format issues, and relevant information retrieval technology, including search methodology.

5. IDENTIFICATION OF CUSTODIANS AND DATA SOURCES

The parties will disclose information about custodians and custodial and non-custodial data sources likely to possess relevant or responsive information in accordance with Fed. R. Civ. P. 26 and this District's ESI Guidelines. The Parties will participate in Rule 26(f) discussions guided by this District's Checklist for Rule 26(f) Meet and Confer Regarding Electronically

1   Stored Information. After responses to Requests for Production under Fed. R. Civ. P. 34 have

2   been served, the parties will meet and confer regarding those custodians and custodial and non-

3   custodial data sources from which Documents and ESI will be collected for search and review for

4   potential production in this litigation. The custodian and data source exchanges will include brief

5   explanations of the rationale for their selections; for example, for custodians, their current job

6   titles and descriptions of their work, and for data sources, location information and description.

7   **6.   INACCESSIBLE OR UNUSABLE ESI**

8   If a Producing Party asserts that certain requested ESI is inaccessible or not "reasonably

9   accessible," otherwise unnecessary, or if the Receiving Party asserts that, following production,

10 certain ESI is not reasonably useable, the parties shall meet and confer to discuss resolving such

11 assertions. The parties will exchange sufficient information to enable the parties to confer in good

12 faith. If the parties cannot resolve any such disputes after such a meet and confer has taken place,

13 the issue shall be presented to the Court for resolution.

14 **7.   KNOWN RESPONSIVE DOCUMENTS**

15   Documents or ESI identified in a custodial or non-custodial file, or in a discrete folder or

16 collection, that are known to a Producing Party through reasonable investigation to be responsive

17 to a discovery request shall be collected for review without regard to whether the responsive

18 content was located via any search methodology developed in accordance with this Order, and

19 nothing about such review shall prevent the Producing Party from redacting or withholding and

20 logging such documents for applicable privileges.

21 **8.   SEARCH METHODOLOGIES**

22   The Parties shall adopt reasonable and proportionate methodologies to identify, search,

23 collect, cull, review, and produce ESI as required under applicable legal standards. The Parties

24 recognize and agree that each Party may use one or more methodologies to identify, search,

25 collect, cull, review, and produce responsive and non-privileged ESI, including the use of

26 keyword search terms and/or the use of technology assisted review ("TAR") as discussed further

27 herein. The Parties further recognize that different data sets may implicate different

28 methodologies to identify, search, collect, cull, review, and produce responsive and non-

1   privileged ESI. The Parties therefore agree to meet and confer in good faith regarding any

2   potential disputes over their respective ESI productions.

3   **9.   HIT REPORTS AND SEARCH TERMS**

4   If a Producing Party uses search terms to identify, search, or cull potentially responsive

5   ESI, the Producing Party shall disclose the search terms to the Requesting Party. The Parties shall

6   meet and confer regarding any disputes over the disclosed search terms. In the event that a

7   Producing Party claims burden with respect to modified and/or additional search terms proposed

8   by a Requesting Party, the Producing Party shall provide a hit report for the terms at issue using

9   industry-standard processing tools, such as NUIX or other similar tools. The Producing Party

10   shall provide a hit report for the document collection where the terms were applied, including the

11   following with respect to each proposed or modified search term in the collection:

12   a) The number of documents with hits for that term; and

13   b) The number of unique documents, i.e., documents which do not have hits for any other

14   term.

15   If, after reviewing a hit report from a Producing Party, a Requesting Party so chooses, it

16   may reasonably request a further hit report which includes:

17   c) The number of family members, including the documents with hits, of the documents

18   with hits for that term; and

19   d) The number of unique family members of the documents with hits for that term.

20   If the ESI tool for the Producing Party is capable without undue burden of providing the

21   number of family members and unique family members, then the Producing Party shall provide

22   such further hit report. The Parties (including the person most knowledgeable about the

23   capabilities of the Producing Party's ESI tool and the Requesting Party's person most

24   knowledgeable about technical issues from its ESI service provider) shall meet and confer

25   regarding any disputes over whether the Producing Party's ESI tool has the capability or not to

26   provider either number of family members or number of unique family members.

27   The Parties shall meet and confer to resolve disagreements over the search terms or their

28   application. To the extent the Parties are unable to reach agreement on the application of, or

1   procedures for, any search or filtering processes, the Parties shall fully comply with the

2   provisions of this Court's Discovery Standing Order regarding the procedure for raising discovery

3   disputes with the Court, including the meet and confer and certification requirements therein.

4   **10.   TECHNOLOGY ASSISTED REVIEW (TAR)**

5   A Producing Party may use TAR (technology-assisted review) during the culling and

6   review process of ESI, which may be applied in addition to search terms. If a Producing Party

7   uses TAR to cull, filter out, or exclude documents from that Party's production, that Producing

8   Party shall do the following:

9   • If a Producing Party chooses to apply both search terms and TAR to a review set,

10   the Producing Party will disclose the search terms to all other Party/Parties.

11   • Disclose the name of the TAR tool or service used to all other Party/Parties.

12   **11.   VALIDATION**

13   Each Producing Party shall take reasonable steps to validate its review process (i.e., using

14 quality control measures to determine whether its production is missing relevant ESI or contains

15 substantial amounts of irrelevant ESI) and make any necessary adjustments or corrections to its

16 process. If, after reviewing a Producing Party's production, a Requesting Party reasonably

17 requests additional information regarding the validation method(s) used by the Producing Party,

18 the Producing Party will disclose the level of end-to-end recall (the percentage of responsive

19 Documents in the collection which were identified as responsive by that Producing Party's

20 methodology). If there remain disputes between the Parties regarding validation, the Parties shall

21 meet and confer to resolve such disputes in good faith, including a reasonable discussion

22 regarding the tool used and the parameters used to obtain or calculate the level of recall.

23   **12.   UNSEARCHABLE DOCUMENTS**

24   The Producing Party shall use reasonable efforts to identify and review potentially

25 responsive documents for which text-based search technologies are fundamentally ineffective.

26   **13.   SYSTEM FILES**

27   Each Party will use its best efforts to filter out common system files and application

28 executable files using the national software reference library ("NSRL") NIST hash set list. The

1   Parties also may filter out stand-alone files identified as zero bytes in size. Additional culling of

2   file types based on file header information may be applied to the following, provided these files

3   are not known to be otherwise attached, embedded in, or included with an otherwise responsive

4   document, or are not themselves reasonably known to contain information responsive or contain

5   responsive data or are used to interface with users or interact with or access individual or

6   aggregated user data: Application Package File, Backup Files, Batch Files, Binary Disc Image,

7   C++ File Formats, Cascading Style Sheet, Configuration File, Database File, Dictionary Files,

8   Dynamic Link Library, Event Log Files, Executable Files, Hypertext Cascading Stylesheet, Java

9   Archive Files, JavaScript Files, JavaScript Source Code and Class Files, Macintosh Resource

10   Fork Files, Package Manager Files, Program Files, Program Installers, Python Script Files, Shell

11   Script Files, System or Temporary Files, Thumbnail Cache Files, Troff Files, Truetype Font Files,

12   Windows Cabinet File, Windows Command Files, Windows File Shortcut, Windows Help Files,

13   Windows Metafiles and Enhanced Metafiles, Windows Spool Files, Windows System File.

14   **14.   DEDUPLICATION**

15   Each Producing Party shall make reasonable efforts to globally deduplicate exact

16   duplicate Documents within that Producing Party's ESI data set across all custodial and non-

17   custodial sources at the family level using either MD5 hash values or SHA hash values or any

18   other agreed-upon (and disclosed) industry-standard deduplication technology. The Parties shall

19   reach agreement on such other deduplication technology and shall reach agreement on how their

20   deduplication tools shall identify exact duplicates of documents in a manner that is consistent

21   with the disclosed tools and technologies a Producing Party is using. The Parties shall reach

22   agreement on how to identify exact duplicates of emails using industry-standard commercially

23   available software tools or services, which may for example calculate hash values of emails based

24   on concatenated values of agreed-upon email fields and/or hash values of attachments, or which

25   may use any other method the Parties agree upon. Having further met and conferred in keeping

26   with the previous sentence, the Parties shall calculate deduplication hash values for emails on the

27   concatenated values set forth in and in accordance with the documentation specifications of the

28   disclosed deduplication tools to be used in this Litigation (i.e., RelativityOne, Relativity Server,

1   and Nuix); however, if Nuix is used, the Producing Party shall select the optional field "Include

2   Bcc" as an additional field to add to the default ones.

3   The Parties shall not withhold from production near-duplicates without meeting and

4   conferring on this issue.

5   The names of all custodians who were either identified as custodians for purposes of

6   collection for this matter (or otherwise known by the Producing Party to have been in possession

7   or custody of a document prior to deduplication) will be populated in the ALL CUSTODIANS

8   metadata field for the produced version of a document that has duplicates removed from

9   production. The original file paths (if any exist) of a document prior to deduplication will be

10   populated in the ALL FILE PATHS metadata field of the produced document.

11   **15.   EMAIL THREADING**

12   The Parties may use analytics technology to identify email threads and shall produce the

13   unique most inclusive copy and related family members. Where multiple email messages are part

14   of a single chain or "thread," a Party is only required to produce the most inclusive copy of an

15   email message(s) ("Last In Time Email(s)") and need not produce earlier, lesser inclusive email

16   messages or "thread members," provided that the tool or software service being used to perform

17   threading is disclosed. A Producing Party may exclude from production lesser inclusive copies of

18   the most inclusive email message in the thread, where the entire body of each of those lesser

19   inclusive copies is included within the Last in Time Email. The Producing Party will honor

20   reasonable requests to produce lesser inclusive copies of a Last In Time Email or other earlier

21   chains of emails otherwise excluded by email thread suppression.

22   The Parties shall treat new or different email chains or threads pursuant to further

23   agreement on safeguards or guidelines for defining emails threads which reasonably take into

24   account the capabilities of the email threading/dethreading/hyperthreading tools used by each

25   Defendant (which shall be disclosed to Plaintiffs).

26   **16.   SOURCE CODE**

27   The Parties will meet and confer to address the production and/or inspection of source

28   code and entering into a separate order governing the same if needed.

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17.   PRODUCTION FORMATS

2   The Parties agree to produce documents and data in the formats described in **Appendix 1**

3   to this ESI Order. If particular documents or categories of documents identified in response to

4   document requests warrant a different format, the Parties will cooperate to arrange for the

5   mutually acceptable production of such documents. The Parties further agree not to degrade the

6   searchability of documents as part of the document production process.

7   In addition, the Parties agree that the production and production format of social media

8   and/or user account information is not covered by this agreement and to meet and confer on the

9   production and production format, including metadata, for social media and/or user account

10   information.

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18.   PHASING

12   Once the Parties begin propounding discovery requests pursuant to Fed. R. Civ. P. 34, the

13   Parties agree to meet and confer regarding appropriate phasing for the production of ESI.

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19.   MISCELLANEOUS PROVISIONS

15   a) **Production of Plaintiffs ESI and Case-Specific Materials**. Subject to any further

16   agreement among the Parties or Order of the Court, the Parties shall produce case-

17   specific documents (i.e., documents specific to the claim of a given Plaintiff, produced

18   by Plaintiffs or Defendants) for any Plaintiff in discovery pools or other selections

19   designed to inform bellwether selection, including those selected for a bellwether trial,

20   in accordance with the production format specified herein, provided, however, that the

21   Producing Party may elect to produce such materials in their native format. To the

22   extent production of case-specific documents for any Plaintiff selected for a bellwether

23   trial presents an issue for any Party, the Parties shall reasonably confer, and may

24   present any disputes to the Court or its designee. The Parties shall further agree to

25   confer concerning the production format and associated matters (*e.g.*, hosting

26   platform) for case-specific documents produced in the cases of other Plaintiffs.

27   Nothing herein shall limit Defendant's right to seek discovery from any Plaintiff.

28   b) **Translations Of Produced Materials**. The Producing Party has no obligation to

1   create a translation of the Documents or any portion thereof. For any foreign-language

2   documents responsive to document requests that a Party reasonably knows as the

3   result of a reasonable investigation have been translated into the English language

4   using human translators or through machine translation for its own purposes, except to

5   the extent such translation is protected by attorney-client or work-product privileges,

6   the Producing Party shall produce the translation of the original document with the

7   original. The parties will meet and confer as necessary concerning procedures for

8   using translations at depositions and at trial. In the event the Parties cannot reach

9   agreement, the matter may be submitted to the Court for determination.

10   c) **Third-Party Documents**. A Party that issues a Non-Party subpoena ("Issuing Party")

11   shall include a copy of this Order with the subpoena and state that (1) the subpoenaed

12   Non-Party should produce Documents in response to the subpoena to all Parties; and

13   (2) the Parties to this Litigation have requested that Third Parties produce Documents

14   in accordance with the specifications set forth herein. If the subpoenaed Non-Party

15   produces Documents to the Issuing Party but does not produce those Documents to

16   other Parties, the Issuing Party shall produce such Documents to those other Parties

17   within 14 days of receiving the Documents, except where the Documents are to be

18   used in a deposition, in which case the Issuing Party shall produce such Documents to

19   all other Parties no later than three (3) days prior to the deposition, or as soon as

20   reasonably practicable if such production occurs thereafter. Nothing in this Order is

21   intended or may be interpreted to narrow, expand, or otherwise affect the rights of the

22   Parties or Third Parties to object to a subpoena. If the Non-Party production is not

23   Bates-stamped, the Parties will meet and confer to agree upon a format for designating

24   the documents with a unique Bates Number prefix.

25   d) **Documents Produced by Parties – Presumption of Authenticity**. In order to reduce

26   the number of requests for admission, this Order establishes a rebuttable presumption

27   that documents produced by the Parties are authentic, if said documents were either

28   created or authored by the producing Party, or any of its employees, agents, or

1   contractors, so long as the employees', agents', or contractors' work was performed in

2   connection with a project or assignment sponsored by the producing Party. No further

3   evidence to establish authenticity need be provided. Nothing in this paragraph shall be

4   deemed to waive any other evidentiary objection a party may have, including but not

5   limited to hearsay, foundation/personal knowledge, or relevance.

6   e) **Re-productions.** Notwithstanding any provisions to the contrary, re-production of

7   discrete sets of documents from another litigation, arbitration, government inquiry, or

8   other matter may be re-produced in the same manner and form as originally produced

9   in the other matter, provided however that a party will re-produce documents in a

10   different format for good cause shown. This provision does not waive the right of a

11   party to object to any requests for reproduction of production files from another

12   litigation, arbitration, government inquiry, or other matter.

13   f) **Modification**. This ESI Order may be modified by a Stipulated Order of the Parties

14   or by the Court for good cause shown.

15   g) **Good Faith**. The Parties will act in good faith as required by law and use these

16   procedures to identify and reduce the potential for disputes.

17   h) **Continuing Obligations**. The Parties recognize that discovery shall be an iterative

18   and cooperative process. The Parties will continue to meet and confer regarding any

19   issues as reasonably necessary and appropriate. This Order does not address or resolve

20   any objections to the Parties' respective discovery requests.

21   i) **Reservation of Rights**. The Parties agree that any topic not addressed herein is

22   neither a waiver nor acknowledgement of agreement by either Party.

23   **IT IS SO STIPULATED**, through Counsel of Record.

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1   DATED: March 15, 2024   Respectfully submitted,

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IT IS ORDERED that the foregoing Agreement is approved.

Dated: March 18, 2024

_____
MAGISTRATE JUDGE PETER H. KANG

APPENDIX 1: PRODUCTION FORMAT

1) **Production Components.** Except as otherwise provided below, ESI must be produced in accordance with the following specifications:

     a) an ASCII delimited data file (.DAT) using standard delimiters;

     b) an image load file (.OPT) that can be loaded into commercially acceptable production software (*e.g.* Concordance);

     c) single page black-and-white TIFF images, or JPEG images when color is specified herein, or native files with single page placeholder TIFF images depending on the applicable production format for each type of file;

     d) and document level .TXT files for all documents containing extracted full text or OCR text.

     e) Family relationships between emails and their attachments, embedded files and their source document, and connected hardcopy documents will be maintained in production. Attachments should be consecutively produced with their parent.

     f) If a particular document warrants a different production format, the Parties will cooperate in good faith to arrange for a mutually acceptable production format.

2) **Production Media and Access Controls.** Productions must be encrypted and produced through secure electronic means, such as secure file sharing methods (*e.g.* FTP), or on CD, DVD, flash drive or external hard drive ("Production Media"). Each piece of Production Media must identify a production number corresponding to the production volume (*e.g.* "VOL001"). Each piece of Production Media must also identify: (a) the case caption; (b) the following label: "This media contains material subject to Court Ordered security measures"; (c) the Producing Party's name; (d) the production date; (e) the Bates Number range of the materials contained on the Production Media.

Nothing in this ESI Order will preclude or impair any and all protections provided the Parties by any Protective Order(s) agreed and entered into by the Parties. Parties will use best efforts to avoid the unnecessary copying or transmittal of produced documents. If questions arise, the Parties will meet and confer to ensure security concerns are addressed prior to the exchange of

any documents.

3) **Data Load Files/Image Load Files.** Each TIFF in a production must be referenced in the corresponding image load file. The total number of documents referenced in a production's data load file should match the total number of designated document breaks in the image load file(s) in the production. The total number of pages referenced in a production's image load file should match the total number of TIFF files in the production. All images must be assigned a unique Bates number that is sequential within a given document and across the production sets. The Bates Numbers in the image load file must match the corresponding documents' beginning Bates numbers in the data load file. The total number of documents in a production should match the total number of records in the data load file. Load files must not vary in format or structure within a production, or from one production to another except by agreement of the Parties.

4) **Metadata Fields.** Each of the metadata and coding fields set forth below that can be extracted should be produced for each document, except that if the field contains privileged information, that privileged information may be redacted. However, to the extent that metadata does not exist, is not available for any documents produced, this provision shall not be read to require any Party to extract, capture, collect, manually populate, or produce such metadata, with the exception of the following: (a) BEGBATES, (b) ENDBATES, (c) BEGATTACH, (d) ENDATTACH, (e) PRODVOL, (f) ALL CUSTODIANS, (g) CONFIDENTIALITY, (h) REDACTIONS, (i) REDACTION TYPE, (j) HASHVALUE, (k) NATIVEFILEPATH, and (l) TEXTFILEPATH, which should be populated by the Party or the Party's vendor. The Parties will make reasonable efforts to ensure that metadata fields automatically extracted from the documents correspond directly to the information that exists in the original documents.

Field Name	Field Description
BEGBATES	Beginning Bates number for a particular document as stamped on the first production image for that document
ENDBATES	Ending Bates number as stamped on the last

Field Name	Field Description
	production image for a particular document
BEGATTACH	First production Bates number of the first document in a family
ENDATTACH	Last production Bates number of the last document in a family
ATTACHCOUNT	Number of attachments to an e-mail or embedded parent, as generated by commercially available discovery processing tools.
ATTACHNAMES	Names of each individual Attachment, separated by semicolons.
PRODVOL	Production volume
ALLCUSTODIANS	List of all custodians associated with Document, i.e. "Custodian" + "Other Custodian" values delimited by semicolon.
ALLFILEPATHS	All original path(s) to the individual source file(s) when available in the ordinary course of business to and processable by the parties and their ESI vendors of choice. Includes path up to and including internal path of containers.
CONFIDENTIALITY	Confidentiality designation assigned to the document consistent with the Stipulated Protective Order governing this Litigation
NATIVEFILEPATH	Native File Link (Native Files only)
TEXTFILEPATH	Path to extracted text/OCR file for the document
HASHVALUE	MD5 hash value of the document
DOCUMENT TYPE	Descriptor for the type of document: "E-document" for electronic documents not attached to e-mails; "E-mail" for all e-mails; "E-attachment" for files that were attachments to e-mails; and "Physical" for hard copy physical documents that have been scanned and converted to an electronic image.
AUTHOR	Any value populated in the Author field of the

Field Name	Field Description
	document properties
DOCDATE	Date the document was created according to filesystem information (format: MM/DD/YYYY)
DATELASTMODIFIED	Date when document was last modified according to filesystem information (format: MM/DD/YYYY)
LAST MODIFIED BY	Last person who modified (saved) a document, as generated by commercially available discovery processing tools.
TRACK CHANGES	Y if a document with track changes value, otherwise N or empty, if available separately from the HASHIDDENDATA flag
COMMENTS	Y if a document with comments, otherwise N or empty, if available separately from the HASHIDDENDATA flag
HASHIDDENDATA	Y if a document with hidden content value, otherwise N or empty
FILENAME	Filename of an electronic document
TITLE	Any value populated in the Title field of the document properties
DOCEXT	File extension of document pulled from the document properties
FROM	The sender of the email
TO	All recipients that were included on the "To" line of the email
CC	All recipients that were included on the "CC" line of the email
BCC	All recipients that were included on the "BCC" line of the email
DATETIMERECEIVED	Date and time email was received (format: MM/DD/YYYY HH:MM)
DATETIMESENT	Date and time email was sent (format: MM/DD/YYYY HH:MM)

Field Name	Field Description
TIMEZONE	The timezone used to process the document
EMAILSUBJECT	Subject line of email pulled from the document properties
THREADID	If a threading tool is used for emails, the thread id generated by the threading tool.
REDACTION TYPE[1]	General category of redaction reason as agreed to by the parties. For example, PII, SCA, CODE, and/or PRIV. If more than one, separate reasons by semicolons.
REDACTIONS	Y if a document is redacted, otherwise N or empty

5) **TIFFs.** Unless excepted below, single page, black and white, Group IV TIFFs should be provided, at least 300 dots per inch (dpi) for all documents. Each TIFF image must be named according to a unique corresponding Bates number associated with the document. Each image must be branded according to the Bates number and the agreed upon confidentiality designation. Original document orientation should be maintained (i.e., portrait to portrait and landscape to landscape). Where the TIFF image is unreadable or has materially degraded the quality of the original, the Producing Party shall provide a higher quality TIFF image or the native or original file. In addition, the Parties shall take reasonable efforts to process word processing documents (*e.g.*, MS Word) with track changes and/or comments unhidden on the TIFF image.

6) **Color.** Word processing documents containing tracked changes shall be produced in color, as single-page, 300 dpi JPG images with JPG compression and a high quality setting as to not degrade the original image. The Producing Party shall comply with good faith by the Requesting Party to provide replacement color images for documents originally produced in black and white. A Party making such a request shall make the request by individual Bates

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[1] The Parties will provide specific information on any privilege(s) asserted in their privilege logs, in an overlay, or the redaction boxes. The "Redaction Reason" field is informational only for redaction type and shall not in any way limit a party's right to assert attorney-client privilege, attorney-work product privilege, and/or any other applicable privilege or protection.

number(s) and shall limit requests made pursuant to this paragraph to a reasonable number of documents.

7)   Text Files. A single multi-page text file must be provided for each document, and the filename should match its respective TIFF filename for the first page of that document. Extracted text shall be generated with commercially acceptable technology set to include all comments, revisions, tracked changes, speaker's notes and text from documents with comments or tracked changes, and hidden and very hidden worksheets, slides, columns and rows. When possible, the text of native files should be extracted directly from the native file. Parties will perform optical character recognition ("OCR") on foreign language documents using the appropriate settings for languages reasonably anticipated to be in the production following a meet and confer with the Requesting Party to identify those languages. Text files will not contain the redacted portions of the documents. A commercially acceptable technology for OCR should be used for all scanned, hard copy documents and for documents with redactions other than Excel files and other spreadsheets which shall be redacted in native format. Text extracted from emails should include the following header information where available: (1) the individuals to whom the communication was directed ("To"), (2) the author of the email communication ("From"), (3) who was copied and blind copied on such email ("CC" and "BCC"), (4) the subject line of the email ("RE" or "Subject"), and (5) the date and time of the email. To the extent the text extraction technology the Parties are using can be configured to include the text of any URLs or links, the Parties shall utilize that setting.

8)   Native files. Spreadsheets (*e.g.* MS Excel), and un-redacted presentations (e.g. Microsoft PowerPoint,) will be produced in native format to the extent that they are produced in this Litigation, audio, video, and multi-media files will be produced in native format. The Parties will meet and confer on the production of other file types, such as proprietary files, etc. Native files will be produced with a link in the NATIVEFILEPATH field, along with extracted text (where extracted text is available) and applicable metadata fields set forth in paragraph 4 above. A Bates numbered TIFF placeholder indicating that the document was provided in native format must accompany every native file. Where redaction makes production of native-format

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files other than spreadsheets or presentations infeasible, the Parties will confer to determine a reasonably usable form for the production, but spreadsheets shall presumptively be redacted in native, and presentations presumptively redacted in image form, in these cases without the need for further conferring.

9) **Production Format for Hard Copy Documents.** Documents that exist in hardcopy will be scanned to *.tiff image format and produced in accordance with the specifications set forth herein. Hard copy documents that are not text-searchable shall be made searchable by OCR prior to production. In scanning paper documents, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (i.e., paper documents should be logically unitized). In the case of an organized compilation of separate documents (for example, a binder containing several separate documents behind numbered tabs), the document behind each tab should be scanned separately, but the relationship among the documents in the compilation should be reflected in the proper coding of the beginning and ending document and attachment fields. The Parties will make their best efforts to unitize the documents correctly. If relevant documents are maintained in a file, folder, envelope, binder, notebook or similar container used to store documents, all contents therein shall be reviewed for production and privilege. Document pages which have affixed notes, such as Post-it notes, should be imaged with and without the note attached.

10) **Confidentiality Designation.** All images will be stamped with the appropriate confidentiality designations in accordance with the Stipulated Protective Order entered in this Litigation. Each document produced in native format will have its confidentiality designation identified in the filename of the native file and indicated on its corresponding TIFF placeholder.

11) **Bates Numbering**. Bates numbering should be a consistent length across the production, contain no special characters, and be numerically sequential within a given document. If a Bates number or set of Bates numbers is skipped, the skipped number or set of numbers should be noted with a placeholder. Attachments to documents will be assigned Bates numbers that directly follow the Bates numbers on the documents to which they were attached.

In addition, wherever possible, each image will have its assigned Bates number electronically "burned" onto the image.

12)   **Databases and Other Structured Data.** To the extent that responsive information is stored in a database, or database management system, or proprietary system or application which has is directed to data storage as one of its primary functions, the Producing Party will identify the database and platform to the Requesting Party. The Producing Party shall produce exports and reports about such responsive information stored in such database, where such exports and reports shall be in a reasonably usable form, and information may be produced in CSV format, tab-delimited text format, Microsoft Excel format, or Microsoft Access format. If there are future disputes over the production of information from a database, the Parties shall meet and confer in good faith in an attempt to reach any further agreements (if needed) on the data to be produced and the format and scope of the production. The Producing Party will provide reasonable amounts of information about the databases to facilitate that discussion.

13)   **Hyperlinks.** Document(s) and/or folder(s) of documents that are hyperlinked inside a responsive document (including hyperlinked inside emails) within a Producing Party's custody, possession, or control, do not need to be produced in the first instance as part of the same family group as the Document residing at the location to which that hyperlink points. If there are particular hyperlinks identified by the Requesting Party in produced documents, the Requesting Party may submit a list of hyperlinks to a particular Producing Party for potentially relevant documents by identifying the Bates number and URL or link text for each requested link to the Producing Party, and the Producing Party will engage in reasonable efforts to locate the hyperlinked document at that location and either identify it by Bates number or provide any responsive, non-produced, and non-privileged documents. The number of hyperlinks a Requesting Party may identify to a Producing Party shall not be excessive and shall be reasonable, proportional to the needs of the case, and not unduly burdensome.

14)   **Embedded Objects.** The Parties agree non-substantive embedded objects, including, but not limited to, logos, icons, emoticons, and footers, may be culled from a document set (but not a document) and need not be produced as separate documents by a

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Producing Party (i.e., such embedded objects will be produced within the document itself, rather than as separate documents). Embedded files, except for images (including but not limited to, logos, icons, emoticons), are to be produced as family groups. Embedded files should be assigned Bates numbers that directly follow the Bates numbers on the documents within which they are embedded.

15) **Production of Family Groups and Relationships**. If any member of a family group is produced, all members of that group must also be produced or else logged as privileged, and no such member shall be withheld from production as a duplicate.

16) **Dynamic Fields**. Documents with dynamic fields for file names, dates, and times will be imaged to show the field code (e.g., "[FILENAME]") where possible, rather than the values for such fields existing at the time the file is processed.

17) **Time Zone**. The time zone used to process a document, including its metadata, shall be disclosed in the TIMEZONE metadata field consistent with Appendix 1, and shall be standardized for each Defendant across productions.

18) **Redactions**.

a) A Producing Party may redact (i) information subject to the attorney client privilege or the work product protection (PRIV); (ii) information that cannot be disclosed pursuant to the Stored Communications Act (SCA); (iii) source code subject to separate agreement applicable to production of source code (CODE); (iv) personal identifying information (PII) including phone numbers, personal addresses, personal email addresses, the month and day of birth, driver's license numbers, and other PII agreed to by the Parties (for example, the Parties shall complete their meet and confer on whether or not to redact users' ages and years of birth). In any event, there shall be no redaction of illnesses, injuries, and medical diagnoses. To the extent a document or pleading contains PII, the Parties shall designate such documents at the appropriate Confidentiality level under the Protective Order and shall comply with Fed. R. Civ. P. 5.2 with regard to filings with the Court.

b) No redactions for relevance may be made within a produced document or ESI item. If, during the course of discovery, the Parties identify other kinds of information that any

Party has a reasonable basis for redacting, the Parties will meet and confer on a case-by-case basis regarding that information before such redactions are made. If the Parties cannot agree, they may seek resolution from the Court.

c)   The Producing Party will indicate, on the face of the redaction, the asserted reason(s) for the redaction (PII, SCA, CODE, and/or PRIV) and the REDACTION TYPE metadata field shall indicate that the document contains redactions and the reason(s) for the redaction.

d)   Notwithstanding the foregoing, this provision shall not be read to prohibit redactions permitted under any applicable U.S. law or Protective Order.

e)   Where a responsive document contains both redacted and non-redacted content, the Parties shall produce the non-redacted portions of the document and the OCR text corresponding to the non-redacted portions.

f)   Native Redactions. Spreadsheet files requiring redaction, including without limitation Microsoft Excel files, shall be redacted and produced natively (unless the Parties agree to production in some other format). In addition, a Producing Party may natively redact other files that cannot be properly imaged for redaction.

g)   All images of redacted files shall be processed to show all comments, revision marks, speaker notes, marks made in track changes, or other user-entered data which are visible in a normal view of the document in its native application, unless such material is redacted and marked as redacted in accordance with this section. Where possible, any occurrences of date/time auto-field items, including in headers and footers, will be removed and replaced with the term AUTODATE to prevent the current date from being printed. Email header information (e.g., date and/or subject line) shall not be redacted unless it is independently privileged. The Parties shall honor reasonable requests for the production of particular redacted documents in other formats where the image is not reasonably usable.

h)   Color. Redacted versions of documents that would have been produced in color in their un-redacted form shall be produced in color as detailed herein.

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19)   **Exception Files**. The Parties will use reasonable efforts to address processing

exceptions.

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20)   **Mobile and Handheld Device Documents and Data**. If responsive and unique

data that can reasonably be extracted and produced in the formats described herein is identified

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on a mobile or handheld device, that data shall be produced in accordance with the generic

provisions of this protocol. To the extent that responsive data identified on a mobile or handheld

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device is not susceptible to normal production protocols, the Parties will meet and confer to

address the identification, production, and production format of any responsive documents and

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data contained on any mobile or handheld device.

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